

West Virginia Department of Environmental Protection

Division of Air Quality

*Earl Ray Tomblin
Governor*

*Randy C. Huffman
Cabinet Secretary*

Permit to Modify



R13-2484C

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45 C.S.R. 13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Issued to:

**Pocahontas Coal Company LLC
East Gulf Preparation Plant
081-00012**

*John A. Benedict
Director*

Issued: D - R - A - F - T, 2010 • Effective: D - R - A - F - T 1-4-11

This permit will supercede and replace Permit R13-2484B approved on June 5, 2007.

Facility Location: Rhodell, Raleigh County, West Virginia
Mailing Address: 109 Appalachian Drive, Beckley, WV 25801
Facility Description: Coal Preparation Plant with a Thermal Dryer
SIC Code: 1221 (Bituminous Coal & Lignite - Surface)
NAICS Code: 212111
UTM Coordinates: 474.916 km Easting • 4164.16 km Northing • Zone 17
Permit Type: Modification
Description of Change: After-the-Fact modification to do the following: add four new raw coal conveyors (RCC7, RCC8, RCC9, and RCC10) rated at 1,800 TPH and 5,300,000 TPY from an adjacent mine; remove the current requirement for fixed water sprays (75% control efficiency) along the haulroad and replace with a water truck applying water and a chemical suppressant (85% control efficiency); increase the round trip length of haulroad UPHR2 from 0.26 miles to 0.41 miles (after-the-fact); and delete haulroad UPHR3 from the Tommy Creek Mine because it is no longer being used. For conveyors RCC1 and CC1A, the control device was changed from PE to FE to correct a previous typographical error. Convert permit to the new boilerplate format. Develop an up-to-date comprehensive emissions unit table.

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

The source is subject to 45CSR30. Changes authorized by this permit must also be incorporated into the facility's Title V operating permit. Commencement of the operations authorized by this permit shall be determined by the appropriate timing limitations associated with Title V permit revisions per 45CSR30.

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1.0 Emission Units

Table A							
Source					Associated Emission Points		
Source ID No.	Equipment Description	Maximum Throughputs	Fugitive Dust Control System/Control Device ¹	Date of Construction, Reconstruction or Modification ²	ID No.	Transfer Description	Fugitive Dust Control System/Control Device ¹
PLANT EQUIPMENT							
RCTD1 (25S)	Raw Coal Truck Dump No. 1 - 200 Ton Bin	600 TPH 5.3 MM TPY	PE	M 2010 C 1972	T8 T51 T9	Truck - RCTD1 RCC10 - RCTD1 RCTD1 - RCC4	MC PE PE/PE
<i>SC1 (007)</i>	<i>Raw Coal Double Deck Screen</i>	<i>750 TPH 6.57 MM TPY</i>	<i>FE</i>	<i>C 1972 (grand-fathered)</i>	<i>T13 T7A T7B T7C</i>	<i>RCC4 - SC1 SC1 - prep plant SC1 - prep plant SC1 - prep plant</i>	<i>PE/FE PE/FE PE/FE PE/FE</i>
RCTD2 (26S)	Raw Coal Truck Dump No. 2 - 150 Ton Bin	600 TPH 5.3 MM TPY	PE	C 1978	T1 T2	Truck - RCTD2 RCTD2 - RCC1	MC FE
RB-1 (24S)	Prep. Plant Rotary Breaker - Pennsylvania Crusher - Model No. RMD 9' x 16'	600 TPH 5.3 MM TPY	FE	C 1978	T3 T4 T15	RCC1, RCC5 - RB1 RB1 - RCC2 RB-1-RB1	PE FE/FE FE/FE
ENF1 (32S)	Endloader Feeder No. 1 (refuse)	10 TPH 30,000 TPY	PE	C 1978	T17 T18	Endloader - ENF1 ENF1 - RC2	MC PE
RRCD (36S)	Railcar Unloading Facility	600 TPH 5.3 MM TPY	PE	future ³	T10 T11 T12	Train - RRCD RRCD - RCC6 RCC6 - RCC4	MC/PE FE/PE PE
TD1 (31S)	Thermal Dryer - J.O. Lively Fluid Bed Dryer, Model No. H & P 80, Design Capacity - 80 MM BTU per hour heat input. Double Butterfly Cyclone - 106,000 acfm. Venturi Scrubber - Flex-Kleen, Model # 60 - 1156 HP fan - Water Supply - 503 gal/min. Flex-Kleen High Velocity Mist Eliminator	320 TPH 2.8 MM TPY	MCS/ WSS	C 1972 (Mod. '82-90)	T33 T34 T35 T36 001	CC1 - TD1 CC1A - TD1 TD1 - CC3 TD1 - CC2 TD1 - Atmosphere	PE/FE FE FE FE MCS/WSS
CONVEYOR BELTS							
RCC1 (1S)	Raw Coal Conveyor No. 1	600 TPH 5.3 MM TPY	FE	C 1978	T2 T3	RCCTD2 - RCC1 RCC1 - RB-1	FE PE
RCC2 (2S)	Raw Coal Conveyor No. 2	540 TPH 4.77MM TPY	FE	C 1978	T4 T5	RB-1 - RCC2 RCC2 - RCS1	FE/FE PE
RCC3 (3S)	Raw Coal Conveyor No. 3	600 TPH 4.77MM TPY	FE	C 1978	T6 T7	RCS1 - RCC3 RCC3 - PP1	FE/FE PE/FE
<i>RCC4 (4S)</i>	<i>Raw Coal Conveyor No. 5</i>	<i>600 TPH 5.3 MM TPY</i>	<i>PE</i>	<i>C 1972 (grand-fathered)</i>	<i>T9 T13</i>	<i>RCTD1 - RCC4 RCC4 - SC1</i>	<i>PE/PE PE/FE</i>
RCC5 (5S)	Raw Coal Conveyor No. 5	600 TPH 5.3 MM TPY	FE	C 1978	T13 T3	RCC4 - RCC5 RCC5 - RB-1	PE/FE PE
RCC6 (33S)	Railcar Unloading Coal Conveyor No. 1	600 TPH 5.3 MM TPY	PE	future ³	T11 T12	RRCD - RCC6 RCC6 - RCC4	FE/PE PE
RCC7 (42S)	Raw Coal Conveyor Belt	1,800 TPH 5.3 MM TPY	PE	2010	T47 T48	surface mine-RCC7 RCC7 - RCC8	PE PE

RCC8 (43S)	Raw Coal Conveyor Belt	1,800 TPH 5.3 MM TPY	PE	2010	T47 T48	RCC7 - RCC8 RCC8 - RCC9	PE PE
RCC9 (44S)	Raw Coal Conveyor Belt	1,800 TPH 5.3 MM TPY	PE	2010	T47 T48	RCC8 - RCC9 RCC9 - RCC10	PE PE
RCC10 (45S)	Raw Coal Conveyor Belt	1,800 TPH 5.3 MM TPY	PE	2010	T47 T48	RCC9 - RCC10 RCC10-truck dump	PE PE
RC1 (6S)	Refuse Conveyor No. 1	294 TPH 2.6 MM TPY	PE	C 1986	T14 T15	PP1(Wet) - RC1 RC1 - RB1	PE/FE FE/FE
RC2 (7S)	Refuse Conveyor No. 2	294 TPH 2.6 MM TPY	PE	C 1986	T16 T19	RB1 - RC2 RC2 - RC3	FE/FE PE
RC3 (8S)	Refuse Conveyor No. 3	294 TPH 2.6 MM TPY	PE	C 1986	T19 T20	RC2 - RC3 RC3 - RC4	PE PE
RC4 (9S)	Refuse Conveyor No. 4	294 TPH 2.6 MM TPY	PE	C 1986	T20 T21	RC3 - RC4 RC4 - RC5	PE PE
RC5 (10S)	Refuse Conveyor No. 5	294 TPH 2.6 MM TPY	PE	C 1986	T21 T22	RC4 - RC5 RC5 - RC6	PE PE
RC6 (11S)	Refuse Conveyor No. 6	294 TPH 2.6 MM TPY	PE	M 2001 C 1986	T22 T23	RC5 - RC6 RC6 - RC7	PE PE
RC7 (12S)	Refuse Conveyor No. 7	294 TPH 2.6 MM TPY	PE	M 2001 1986	T23 T24	RC6 - RC7 RC7 - RC8	PE PE
RC8 (13S)	Refuse Conveyor No. 8	294 TPH 2.6 MM TPY	PE	C 2007	T24 T25	RC7 - RC8 RC8 - RC9(RC14)	PE PE
RC9 (14S)	Refuse Conveyor No. 9	294 TPH 2.6 MM TPY	PE	future ³	T25 T26	RC8 - RC9 RC9 - RC10	PE PE
RC10 (15S)	Refuse Conveyor No. 10	294 TPH 2.6 MM TPY	PE	future ³	T26 T27	RC9 - RC10 RC10 - RC11	PE PE
RC11 (16S)	Refuse Conveyor No. 11	294 TPH 2.6 MM TPY	PE	future ³	T27 T28	RC10 - RC11 RC11 - RC12	PE PE
RC12 (34S)	Refuse Conveyor No. 12	294 TPH 2.6 MM TPY	PE	future ³	T28 T29	RC11 - RC12 RC12 - RC13	PE PE
RC13 (34S)	Refuse Conveyor No. 13	294 TPH 2.6 MM TPY	PE	future ³	T29 T30	RC12 - RC13 RC-13 - RC14	PE PE
RC14 (17S)	Refuse Stacking Conveyor No. 14	294 TPH 2.6 MM TPY	MC	M 2001 1986	T30 T31	(RC8)RC13 - RC14 RC14 - Refuse Area	PE MC
CC1 (18S)	Clean Coal Conveyor No. 1	320 TPH 2.8 MM TPY	PE	C 1972 (grand-fathered)	T32 T33	prep plant - CC1 CC1 - TD, CC1A or by-pass	PE/FE PE/FE
CC1A (37S)	Thermal Dryer Feed Belt 1A	3 TPH 26,280 TPY	FE	C 1972 (grand-fathered)	T33 T34	CC1 - CC1A CC1A - fuel bin	PE/FE FE
CC2 (19S)	Clean Coal Conveyor No. 2	320 TPH 2.8 MM TPY	PE	C 1972 (grand-fathered)	T36 T37	DS - CC2 CC2 - CC3	FE FE
CC3 (20S)	Clean Coal Conveyor No. 3	320 TPH 2.8 MM TPY	PE	C 1972 (grand-fathered)	T35 T37 T38	TD - CC3 CC2 - CC3 CC3 - CC6	FE FE PE/FE
CC4 (21S)	Clean Coal Conveyor No. 4	430 TPH 3.71 MM TPY	PE	C 1983	T40 T41 T41	PP1 - CC4 CC6 - CC4 CC4 - CCOS1	PE/FE FE/FE PE
CC5 (22S)	Clean Coal Conveyor No. 5	800 TPH 3.71 MM TPY	PE	C 1983	T44 T45	CCOS1 - CC5 CC5 - CC6	FE/PE FE/FE
CC6 (23S)	Clean Coal Reversing Conveyor No. 6	800 TPH 3.71MM TPY	PE/FE	C 1983	T38 T39 T41 T45	CC3 - CC6 CC6 - CB1 CC6 - CC4 CC5 - CC6	PE/FE PE/FE FE/FE FE/FE
STORAGE							

RCS1 (27S)	Raw Coal Silo	5,500 Tons 4.8 MM TPY	FE	C 1978	T5 T6	RCC2 - RCS1 RCS1 - RCC3	PE FE/FE
RB1 (28S)	Refuse Bin No. 1	150 Tons 2.6 MM TPY	FE/FE	C 1978	T15 T16	RC1 - RB1 RB1 - RC2	FE/FE FE/FE
CCOS1 (30S)	Clean Coal Open Storage Pile No. 1 with Stacking Tube (and Emergency Bypass*) - 120,000 Sq. Ft. Area	150,000 Tons 3.71 MM TPY	MC/MD	M 2003or2007 C 1983	T42 T43* T44	CC4 - CCOS1 CC4 - CCOS1 CCOS1 - CC5	PE/ST MC/ST FE/PE
<i>CB1 (29S)</i>	<i>Clean Coal Rail Car Loadout Bin No. 1</i>	<i>20 Tons 3.71 MM TPY</i>	<i>FE</i>	<i>C 1972 (grand-fathered)</i>	<i>T39 T46</i>	<i>CC6 - CB1 CB1 - rail car</i>	<i>PE/FE TC</i>
HAULROADS							
<i>UPHR1 (39S)</i>	<i>Haulroad to Raw Coal Truck Dump No. 1 (Unpaved) 0.67 miles round trip</i>	<i>N/A</i>	<i>RWMW</i>	<i>C 1972 (grand-fathered)</i>	<i>T8</i>	<i>UPHR1 - RCTD1</i>	<i>MC</i>
UPHR2 (40S)	Haulroad from Mead Mine to Raw Coal Truck Dump No. 2 (Unpaved) from 0.26 to 0.41 miles round trip	N/A	HR-CS	M 2007 C 1978	T1	UPHR2 - RCTD2	MC

- ¹ Transfer Points have the same type of fugitive dust control system as the associated conveyors unless otherwise noted. Fugitive Dust Control System/Control Device abbreviations FE - Full Enclosure; FE/FE - Full Enclosure in Building; PE - Partial Enclosure; ST - Stacking Tube; MC - Moisture Content; MD - Minimize Drop Height; UC - Underground Reclaim Feeder; NE - No Equipment; RWMW - Water Truck with Manufactures pressurized sprays; WSS Flooded Disc Scrubber; MCS - Multiclone System; ME - Mist Eliminator.
- ² In accordance with 40 CFR 60 Subpart Y, coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems constructed, reconstructed, or modified after October 27, 1974 but on or before April 28, 2008 shall not discharge gases which exhibit 20 percent opacity or greater. Coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems constructed, reconstructed, or modified after April 28, 2008 shall not discharge gases which exhibit 10 percent opacity or greater.
- ³ The equipment listed was approved within permit R13-2484 on September 9, 2002, but it has not been constructed as of the date of issuance of this permit R13-2484C.

2.0. General Conditions

2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45 CSR § 30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.2. Acronyms

CAAA	Clean Air Act Amendments		in diameter
CBI	Confidential Business Information	PM₁₀	Particulate Matter less than 10µm
CEM	Continuous Emission Monitor		in diameter
CES	Certified Emission Statement	Ppb	Pounds per Batch
C.F.R. or CFR	Code of Federal Regulations	pph	Pounds per Hour
CO	Carbon Monoxide	ppm	Parts per Million
C.S.R. or CSR	Codes of State Rules	Ppmv or	Parts per million by
DAQ	Division of Air Quality	ppmv	volume
DEP	Department of Environmental Protection	PSD	Prevention of Significant Deterioration
dscm	Dry Standard Cubic Meter	psi	Pounds per Square Inch
FOIA	Freedom of Information Act	SIC	Standard Industrial Classification
HAP	Hazardous Air Pollutant	SIP	State Implementation Plan
HON	Hazardous Organic NESHAP	SO₂	Sulfur Dioxide
HP	Horsepower	TAP	Toxic Air Pollutant
lbs/hr	Pounds per Hour	TPY	Tons per Year
LDAR	Leak Detection and Repair	TRS	Total Reduced Sulfur
M	Thousand	TSP	Total Suspended Particulate
MACT	Maximum Achievable Control Technology	USEPA	United States Environmental Protection Agency
MDHI	Maximum Design Heat Input	UTM	Universal Transverse Mercator
MM	Million	VEE	Visual Emissions Evaluation
MMBtu/hr or mmbtu/hr	Million British Thermal Units per Hour	VOC	Volatile Organic Compounds
MMCF/hr or mmcf/hr	Million Cubic Feet per Hour	VOL	Volatile Organic Liquids
NA	Not Applicable		
NAAQS	National Ambient Air Quality Standards		
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		
NO_x	Nitrogen Oxides		
NSPS	New Source Performance Standards		
PM	Particulate Matter		
PM_{2.5}	Particulate Matter less than 2.5µm		

2.3. Authority

This permit is issued in accordance with West Virginia Air Pollution Control Law W.Va. Code §§22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

- 2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation;*

2.4. Term and Renewal

- 2.4.1. This permit supercedes and replaces previously issued Permit R13-2484B approved on June 5, 2007. This permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

2.5. Duty to Comply

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Applications R13-2484, R13-2484A, R13-2484B and R13-2484C and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.
[45CSR§§13-5.11 and 13-10.3]
- 2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses and/or approvals from other agencies; i.e., local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

2.6. Duty to Provide Information

The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

2.7. Duty to Supplement and Correct Information

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

2.8. Administrative Update

The permittee may request an administrative update to this permit as defined in and according to the procedures

specified in 45CSR13.
[45CSR§13-4]

2.9. Permit Modification

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.
[45CSR§13-5.4.]

2.10. Major Permit Modification

The permittee may request a major modification to this permit as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.
[45CSR§14-7 or 45CSR§19-14]

2.11. Inspection and Entry

The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

2.12. Emergency

- 2.12.1. An "emergency" means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- 2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are not met.
- 2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - b. The permitted facility was at the time being properly operated;

- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and,
 - d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emission, and corrective actions taken.
- 2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- 2.12.5. The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

2.13. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

2.14. Suspension of Activities

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

2.15. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

2.16. Severability

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

2.17. Transferability

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13.
[45CSR§13-10.1]

2.18. Notification Requirements

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

2.19. Credible Evidence

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this

permit shall be construed to waive any defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40CFR§61.145(b) and 45CSR§34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.
[45CSR§13-10.5.]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45 C.S.R. 11.
[45CSR§11-5.2.]

3.2. Monitoring Requirements

[Reserved]

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness

or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

[WV Code § 22-5-4(a)(15)]

3.4. Recordkeeping Requirements

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.
- 3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
[45CSR§4. *State-Enforceable only.*]

3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that,

based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

- 3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304-2345

If to the USEPA:

Associate Director
Office of Enforcement and Permits Review
(3AP12)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

3.5.4. **Operating Fee.**

- 3.5.4.1. In accordance with 45CSR30 – Operating Permit Program, the permittee shall submit a Certified Emissions Statement (CES) and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

- 3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

4.0. Source-Specific Requirements

4.1. Limitations and Standards

- 4.1.1. Compliance with all annual throughput limits shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the amount of material received, processed, and/or shipped at any given time during the previous twelve (12) consecutive calendar months.
- 4.1.2. The sulfur content of the fuel coal burned in the furnace will not exceed 1.61%. The permittee shall sample in accordance with approved ASTM methods on at least a daily basis the fuel coal burned in the furnaces and have the samples analyzed for sulfur, BTU and Volatile matter content. Result of these analyses shall be certified by a responsible official and maintained on site for a period of not less than five (5) years and shall be made available to the Director or a duly authorized representative upon request.

- 4.1.3. Emissions from the thermal dryer shall not exceed the following hourly and annual limits:

Pollutant	Emissions Limitations	
	One-Hour Average (lbs/hour)	Annual (tons/year)
Volatile Organic Compounds (VOCs)	31.36	137.36
Sulfur Dioxide (SO ₂)	59.4 ¹	260.4 ¹
Oxides of Nitrogen (NO _x)	46.10	201.83
Carbon Monoxide (CO)	17.41	76.26
Particulate Matter (PM)	54.40	238.27
Particulate Matter < 10 Microns (PM ₁₀)	27.20	119.13

¹ Based on SO₂ mass balance equation. The calculated values based on the AP 42 emission factor of 1.4 lbs/ton would equate to maximum emission rates for SO₂ of 134.40 lb/hour and 588.67 tons/year.

- 4.1.4. The following parameters will be continuously monitored and recorded at least once per minute and the limits adhered to :

- a) Temperature of the gas stream at the exit of the thermal dryer shall be less than 1,464°F.
- b) Pressure loss through the scrubber shall be greater than 23 inches of water.
- c) Water supply pressure shall be greater than 7.8 psig.

Charts and records shall be certified by a responsible official and maintained on site for a period of not less than five (5) years and shall be made available to the Director or a duly authorized representative upon request. The permittee shall take immediate corrective action when a parameter falls outside the indicator range established for that parameter and shall record the cause and corrective measures taken.

Operating parameter limits do not apply during DAQ approved performance tests.

- 4.1.5. The scrubber water system shall receive clean water from the clarifier water sump, and shall discharge dirty water to the clarifier centerwell for solids removal. Pressure drop across the scrubber shall be adjusted as required to control particulate matter emissions. Alkaline agents may be added to the scrubber water or to the coal being dried to control sulfur dioxide emissions.
- 4.1.6. Fugitive dust control methods, such as full enclosures and partial enclosures proposed in Permit Applications R13-2484, R13-2484A, R13-2484B and R13-2484C and any amendments or supplements thereto shall be installed, operated, and maintained in such a manner so as to minimize the generation and atmospheric entrainment of fugitive particulate emissions. A freeze protection plan shall be incorporated to insure that the wet suppression systems remain operational at all times. In accordance with the information filed, the methods of control specified in Table A shall be installed, maintained, and operated so as to minimize the emission of particulate matter (PM) and particulate matter less than ten microns in diameter (PM₁₀).
- 4.1.7. Water spray systems for the purpose of fugitive particulate dust control shall be designed, installed, operated, and maintained so as to minimize the generation of fugitive particulate emissions from the wind erosion of stockpiles and material transfer points.

The permittee shall maintain pressurized water spray bars on site and in good operating condition, and shall utilize same to apply water, or a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used. The spray bar shall be equipped with commercially available spray nozzles, of sufficient

size and number, so as to provide adequate coverage to the area being treated. The pump delivering the water, or solution, shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water, or solution, and at a sufficient pressure, so as to assure that the treatment process will minimize the atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.

A properly designed, installed, and maintained winterization system on each of the water spray systems shall be in place so to functionally maintain all fugitive particulate dust control during periods when ambient temperature falls to or below 32 degrees Fahrenheit.

- 4.1.8. **Water Truck Requirement.** The permittee shall maintain a water truck on site at the facility and in good operating condition, and shall utilize same to apply a mixture of water and an environmentally acceptable chemical dust suppressant, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haul roads, stockpiles and other work areas where mobile equipment is used.

The spray bar shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the surface being treated.

The pump delivering the water, or solution, shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water, or solution, and at a sufficient pressure.

Daily and monthly records will be kept on site for the amount of water and chemical dust suppressant applied. Said records shall be certified by a “responsible official” and maintained on site for a period of no less than 5 years. Said records shall be made available to the Director or his/her duly authorized representative upon request.

- 4.1.9. The pertinent sections of 45CSR4 - “To Prevent and Control the Discharge of Air Pollutants into the Open Air Which Causes or Contributes to an Objectionable Odor or Odors” which apply to this facility include, but are not limited to, the following:

No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.

[45CSR§4-3.1.]

The Barnebey-Cheney Scentometer or any other instrument, device, or technique designated by the Director may be used as a guide in the enforcement of the rule and may be used in the determination of the objectionability of an odor.

[45CSR§4-3.2.]

Accidental and other infrequent discharges, which cause or contribute to objectionable odors will be considered on an individual basis and shall be reported by the person responsible therefore to the Director in the manner to be prescribed by the Director.

[45CSR§4-4.1.]

- 4.1.10. The pertinent sections of 45CSR5 - “To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas” which apply to this facility include, but are not limited to the following:

No person shall cause, suffer, allow or permit emission of particulate matter into the open air from any fugitive dust control system which is twenty percent (20%) opacity or greater.

[45CSR§5-3.4.]

No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air.

[45CSR§5-6.1.]

The owner or operator of a coal preparation plant or handling operation shall maintain dust control of the premises and owned, leased, or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening, and general maintenance to minimize dust generation and atmospheric entrainment.

[45CSR§5-6.2.]

No person shall construct, modify, or relocate any coal preparation plant or coal handling operation without first obtaining a permit in accordance with the provisions of W. Va. Code §22-5-1 et seq. and the Director's rules for review and permitting of new or modified sources.

[45CSR§5-10.1.]

- 4.1.11. The pertinent sections of 45CSR10 - "To Prevent and Control Air Pollution From the Emission of Sulfur Oxides" which apply to this facility include, but are not limited to the following:

No person shall cause, suffer, allow or permit the emission into the open air from any source operation an in-stack sulfur dioxide concentration exceeding 2,000 parts per million by volume from existing source operations.

[45CSR§10-4.1.]

No person shall construct, modify or relocate any source of sulfur dioxide without first obtaining a permit in accordance with the provisions of W. Va. Code§ 22-5-1 et seq., and Series 13, 14, 19 and 30 of Title 45.

[45CSR§10-7.1.]

At such reasonable times as the Director may designate, the owner or operator of any fuel burning unit(s), manufacturing process source(s) or combustion source(s) may be required to conduct or have conducted tests to determine the compliance of such source(s) with the emission limitations of sections 3, 4 or 5. Such tests shall be conducted in accordance with the appropriate test method set forth in 40 CFR Part 60, Appendix A, Method 6, Method 15 or other equivalent EPA testing method approved by the Director. The Director, or his or her duly authorized representative, may at his or her option witness or conduct such tests. Should the Director exercise his or her option to conduct such tests, the operator will provide all necessary sampling connections and sampling ports to be located in such manner as the Director may require, power for test equipment, and the required safety equipment such as scaffolding, railings, and ladders to comply with generally accepted good safety practices.

[45CSR§10-8.1a.]

The Director, or his duly authorized representative, may conduct such other tests as he or she may deem necessary to evaluate air pollution emissions other than those noted in section 3.

[45CSR§10-8.1b.]

The owner or operator of fuel burning unit(s), manufacturing process source(s) or combustion source(s) shall demonstrate compliance with sections 3, 4 and 5 of this rule by testing and /or monitoring in accordance with one or more of the following: 40 CFR Part 60, Appendix A, Method 6, Method 15, continuous emissions monitoring systems (CEMS) or fuel sampling and analysis as set forth in an approved monitoring plan for each emission unit.

[45CSR§10-8.2.c.]

Monitoring plans pursuant to subsection 8.2.c shall be submitted to the Director within six (6) months of the effective date of this rule. Approval or denial of such plans shall be within twelve (12) months of the

effective date of this rule.

[45CSR§10-8.2.c.2.]

The owner or operator of fuel burning unit(s), manufacturing process source(s) or combustion source(s) subject to sections 3, 4 or 5 shall maintain on-site a record of all required monitoring data as established in a monitoring plan pursuant to subdivision 8.2.c. Such records shall be made available to the Director or his duly authorized representative upon request. Such records shall be retained on-site for a minimum of five years.

[45CSR§10-8.3.a.]

The owner or operator shall submit a periodic exception report to the Director, in a manner specified by the Director. Such an exception report shall provide details of all excursions outside the range of measured emissions or monitored parameters established in an approved monitoring plan and shall include, but not be limited to, the time of the excursion, the magnitude of the excursion, the duration of the excursion, the cause of the excursion and the corrective action taken.

[45CSR§10-8.3.b.]

- 4.1.12. The pertinent sections of 45CSR13 applicable to this facility include, but are not limited to, the following:

At the time a stationary source is alleged to be in compliance with an applicable emission standard and at reasonable times to be determined by the Secretary thereafter, appropriate tests consisting of visual determinations or conventional in-stack measurements or such other tests the Secretary may specify shall be conducted to determine compliance.

[45CSR§13-6.1.]

The Secretary may suspend or revoke a permit or general permit registration if, after six (6) months from the date of issuance, the holder of the permit cannot provide the Secretary, at the Secretary's request, with written proof of a good faith effort that construction, modification, or relocation, if applicable, has commenced. Such proof shall be provided not later than thirty (30) days after the Secretary's request. If construction or modification of a stationary source is discontinued for a period of eighteen (18) months or longer, the Secretary may suspend or revoke the permit or general permit registration.

[45CSR§13-10.2.]

The Secretary may suspend or revoke a permit or general permit registration if the plans and specifications upon which the approval was based or the conditions established in the permit are not adhered to. Upon notice of the Secretary's intent to suspend, modify or revoke a permit, the permit holder may request a conference with the Secretary in accordance with the provisions of W.Va Code § 22-5-5 to show cause why the permit or general permit registration should not be suspended, modified or revoked.

[45CSR§13-10.3.]

- 4.1.13. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.

[45CSR§13-5.11.]

- 4.1.14. **Standards for Thermal Dryers.** On and after the date on which the performance test is conducted or required to be completed under §60.8, which ever date comes first, an owner or operator of a thermal dryer constructed, reconstructed, or modified on or before April 28, 2008, subject to the provisions of this subpart must meet the requirements in paragraphs(a)(1) and (a)(2) of this section.

[40CFR§60.252(a)]

The owner or operator shall not cause to be discharged into the atmosphere from the thermal dryer any gases which contain PM in excess of 0.070 g/dscm (0.031 grains per dry standard cubic feet (gr/dscf)); and
[40CFR§60.252(a)(1)]

The owner or operator shall not cause to be discharged into the atmosphere from the thermal dryer any gases which exhibit 20 percent opacity or greater.
[40CFR§60.252(a)(2)]

- 4.1.15. **Standards for Particulate Matter.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified on or before April 28, 2008, gases which exhibit 20 percent opacity or greater.

[40CFR§60.254(a)]

- 4.1.16. **Standards for Particulate Matter.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified after April 28, 2008, must meet the requirements in paragraphs (b)(1) through (3) of this section.

[40CFR§60.254(b)]

- (1) Except as provided in paragraph (b)(3) of this section, the owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases which exhibit 10 percent opacity or greater.

[40CFR§60.254(b)(1)]

- (3) Equipment used in the loading, unloading, and conveying operations of open storage piles are not subject to the opacity limitations of paragraph (b)(1) of this section.

[40CFR§60.254(b)(3)]

- 4.1.17. At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

[40 CFR§60.11(d)]

4.2. Monitoring Requirements

- 4.2.1. For the purpose of determining compliance with the opacity limits of 45CSR5 and 40 CFR 60 Subpart Y, the permittee shall conduct weekly visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit.

The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40 CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40 CFR Part 60, Appendix A, Method 9 certification course.

Visible emission checks shall be conducted at least once per calendar week with a maximum of ten (10) days between consecutive readings. These checks shall be performed at each source (stack, transfer point, fugitive emission source, etc.) for a sufficient time interval, but no less than one (1) minute, to determine if any visible

emissions are present. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions.

If visible emissions are present at a source(s) for three (3) consecutive weekly checks, the permittee shall conduct an opacity reading at that source(s) using the procedures and requirements of 40 CFR Part 60, Appendix A, Method 9 as soon as practicable, but within seventy-two (72) hours of the final visual emission check. A 40 CFR Part 60, Appendix A, Method 9 observation at a source(s) restarts the count of the number of consecutive readings with the presence of visible emissions.

- 4.2.2. The owner or operator of each affected facility constructed, reconstructed, or modified on or before April 28, 2008, must meet the monitoring requirements specified in paragraphs (a)(1) and (2) of this section, as applicable to the affected facility.

[40CFR§60.256(a)]

The owner or operator of any thermal dryer shall install, calibrate, maintain, and continuously operate monitoring devices as follows:

[40CFR§60.256(a)(1)]

A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device is to be certified by the manufacturer to be accurate within $\pm 1.7^{\circ}\text{C}$ ($\pm 3^{\circ}\text{F}$).

[40CFR§60.256(a)(1)(i)]

For affected facilities that use venturi scrubber emission control equipment:

[40CFR§60.256(a)(1)(ii)]

A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 1 inch water gauge.

[40CFR§60.256(a)(1)(ii)(A)]

A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 5 percent of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point. The Administrator shall have discretion to grant requests for approval of alternative monitoring locations.

[40CFR§60.256(a)(1)(ii)(B)]

All monitoring devices under paragraph (a) of this section are to be recalibrated annually in accordance with procedures under § 60.13(b).

[40CFR§60.256(a)(2)]

4.3. Testing Requirements

- 4.3.1. Within 180 days of the permit approval, the permittee shall conduct a stack test for the purpose of determining compliance with emission limits set forth in Section 4.1.3, and furnish the Director a written report of the results of such testing. The permittee shall use a promulgated test method as specified in 40 CFR 60 Appendix A or an alternative method approved in writing by the Director for such testing. The permittee shall also record the following parameters during such testing:

- a. Opacity readings on the exhaust stack following the procedures of Method 9;
- b. Amount of coal burned and the amount of coal dried;

- c. Coal drying temperature and residence time in the dryer;
- d. Temperature of the gas stream at the exit of the thermal dryer;
- e. Flow rate through the dryer and converted to dry standard cubic feet;
- f. Water pressure to the control equipment; and
- g. Pressure loss of the inlet airflow to the scrubber. The pressure drop will be measured between the inlet airflow to the scrubber and outlet airflow of the scrubber, which is atmospheric loss through the venturi constriction of the control equipment;
- h. Volatile Matter of the coal burned.

These records shall be maintained on site for a period of no less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.

Subsequent testing to determine compliance with the emission limitations of Section 4.1.3 shall be conducted in accordance with the schedule set forth in the following table:

Test	Test Results	Testing Frequency
Initial	≤50% of emission limit	Once/5 years
Initial	Between 50% and 90% of emission limit	Once/3 years
Initial	≥90% of emission limit	Annual
Annual	If annual testing is required, after two successive tests indicate mass emission rates between 50% and 90% of emission limit	Once/3 years
Annual	If annual testing is required, after three successive tests indicate mass emission rates ≤ 50% of emission limit	Once/3 years
Once/3 years	If testing is required once/3 years, after two successive tests indicate mass emission rates ≤50% of emission limit	Once/3 years
Once/3 years	If testing is required once/3 years and any test indicates a mass emission rate ≥90% of emission limit	Annual
Once/5 years	If testing is required once/5 years and any test indicates a mass emission rate between 50% and 90% of emission limit	Once/3 years
Once/5 years	If testing is required once/5 and any test indicates a mass emission rate ≥90% of emission limit	Annual

- 4.3.2. Except as specified in paragraphs (a)(1),(a)(2), (a)(3), and (a)(4) of this section, within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by this part, and at such other times that may be required by the Administrator under Section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s). **[40CFR§60.8(a)]**
- 4.3.3. Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in paragraph (e)(5) of this section. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard). **[40CFR§60.11(b)]**
- 4.3.4. Performance Tests and Other Compliance Requirements for Subpart Y - Performance Tests. An owner or operator of each affected facility that commenced construction, reconstruction, or modification on or before April 28, 2008, must conduct all performance tests required by §60.8 to demonstrate compliance with the applicable emission standards using the methods identified in § 60.257.

[40CFR§60.255(a)]

- 4.3.5. **Performance Tests and Other Compliance Requirements for Subpart Y - Performance Tests.** An owner or operator of each affected facility that commenced construction, reconstruction, or modification after April 28, 2008, must conduct performance tests according to the requirements of §60.8 and the methods identified in §60.257 to demonstrate compliance with the applicable emission standards in Subpart Y as specified in paragraphs (b)(1) and (b)(2) of this section.

[40CFR§60.255(b)]

- (2) For each affected facility subject to an opacity standard, an initial performance test must be performed. Thereafter, a new performance test must be conducted according to the requirements in paragraphs (b)(2)(i) through (iii) of this section, as applicable, except as provided for in paragraphs (e) and (f) of this section. Performance test and other compliance requirements for coal truck dump operations are specified in paragraph (h) of this section .

[40CFR§60.255(b)(2)]

- (i) If any 6-minute average opacity reading in the most recent performance test exceeds half the applicable opacity limit, a new performance test must be conducted within 90 operating days of the date that the previous performance test was required to be completed.

[40CFR§60.255(b)(2)(i)]

- (ii) If all 6-minute average opacity readings in the most recent performance are equal to or less than half the applicable opacity limit, a new performance test must be conducted within 12 calendar months of the date that the previous performance test was required to be completed.

[40CFR§60.255(b)(2)(ii)]

- 4.3.6. **Performance Tests and Other Compliance Requirements for Subpart Y.** If any affected coal processing and conveying equipment (e.g., breakers, crushers, screens, conveying systems), coal storage systems, or other coal transfer and loading systems that commenced construction, reconstruction, or modification after April 28, 2008, are enclosed in a building do not exceed any of the standards in §60.254 that apply to the affected facility, then the facility shall be deemed to be in compliance with such standards.

[40CFR§60.255(c)]

- 4.3.7. **Performance Tests and Other Compliance Requirements for Subpart Y - Monitoring Visible Emissions or Digital Opacity Compliance System.** As an alternative to meeting the requirements in paragraph (b)(2) of this section [*see permit condition 4.3.5. above*], an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, may elect to comply with the requirements in paragraph (f)(1) or (f)(2) of this section.

[40CFR§60.255(f)]

- (1) Monitor visible emissions from each affected facility according to the requirements in paragraphs (f)(1)(i) through (iii) of this section.

[40CFR§60.255(f)(1)]

- (i) Conduct one daily 15-second observation each operating day for each affected facility (during normal operation) when the coal preparation and processing plant is in operation. Each observation must be recorded as either visible emissions observed or no visible emissions observed. Each observer determining the presence of visible emissions must meet the training requirements specified in §2.3 of Method 22 of appendix A-7 of this part. If visible emissions are observed during any 15-second observation, the owner or operator must adjust the operation of the affected facility and demonstrate within 24 hours that no visible emissions are observed from the affected facility. If visible emissions are observed, a Method 9, of appendix A-4 of this part, performance test must be conducted within

45 operating days.

[40CFR§60.255(f)(1)(i)]

- (ii) Conduct monthly visual observations of all processes and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.

[40CFR§60.255(f)(1)(ii)]

- (iii) Conduct a performance test using Method 9 of Appendix A-4 of this part at least once every 5 calendar years for each affected facility.

[40CFR§60.255(f)(1)(iii)]

- (2) Prepare a written site-specific monitoring plan for a digital opacity compliance system for approval by the Administration or delegated authority. The plan shall require observations of at least one digital image every 15 seconds for 10-minute periods (during normal operation) every operating day. An approvable monitoring plan must include a demonstration that the occurrences of visible emissions are not in excess of 5 percent of the observation period. For reference purposes in preparing the monitoring plan, *see* OAQPS “Determination of Visible Emission Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems.” This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Group (D243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods. The monitoring plan approved by the Administrator delegated authority shall be implemented by the owner or operator.

[40CFR§60.255(f)(2)]

- 4.3.8. **Performance Tests and Other Compliance Requirements for Subpart Y - COMS.** As an alternative to meeting the requirements in paragraph (b)(2) of this section [*see permit condition 4.3.5. above*], an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, subject to a visible emissions standard under this subpart may install, operate, and maintain a continuous opacity monitoring system (COMS). Each COMS used to comply with provisions of this subpart must be installed, calibrated, maintained, and continuously operated according to the requirements in paragraphs (g)(1) and (2) of this section.

[40CFR§60.255(g)]

- 4.3.9. **Performance Tests and Other Compliance Requirements for Subpart Y - Truck Dump Operation.** The owner or operator of each affected coal truck dump operation that commenced construction, reconstruction, or modification after April 28, 2008, must meet the requirements specified in paragraphs (h)(1) through (3) of this section.

[40CFR§60.255(h)]

- (1) Conduct an initial performance test using Method 9 of appendix A-4 of this part according to the requirements in paragraphs (h)(1)(i) and (ii).

[40CFR§60.255(h)(1)]

- (i) Opacity reading shall be taken during the duration of three separate truck dump events. Each truck dump event commences when the truck bed begins to elevate and concluded when the truck bed returns to a horizontal position.

[40CFR§60.255(h)(1)(i)]

- (ii) Compliance with the applicable opacity limit is determined by averaging all 15-second opacity readings made during the duration of three separate truck dump events.

[40CFR§60.255(h)(1)(ii)]

(2) Conduct monthly visual observations of all process and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.
[40CFR§60.255(h)(2)]

(3) Conduct a performance test using Method 9 of appendix A-4 of this part at least once every 5 calendar years for each affected facility.
[40CFR§60.255(h)(3)]

4.3.10. Test Methods and Procedures for Subpart Y. The owner or operator must determine compliance with the applicable opacity standards as specified in paragraphs (a)(1) through (3) of this section.
[40CFR§60.257(a)]

(1) Method 9 of appendix A-4 of this part and the procedures in §60.11 must be used to determine opacity, with the exceptions specified in paragraphs (a)(1)(i) and (ii).
[40CFR§60.257(a)(1)]

(i) The duration of the Method 9 of Appendix A-4 of this part performance test shall be 1 hour (ten 6-minute averages).
[40CFR§60.257(a)(1)(i)]

(ii) If, during the initial 30 minutes of the observation of a Method 9 of Appendix A-4 of this part performance test, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduced from 1 hour to 30 minutes.
[40CFR§60.257(a)(1)(ii)]

(2) To determine opacity for fugitive coal dust emissions sources, the additional requirements specified in paragraphs (a)(2)(i) through (iii) must be used.
[40CFR§60.257(a)(2)]

(i) The minimum distance between the observer and the emission source shall be 5.0 meters (16 feet), and the sun shall be oriented in the 140-degree sector of the back.
[40CFR§60.257(a)(2)(i)]

(ii) The observer shall select a position that minimizes interference from other fugitive coal dust emissions sources and make observations such that the line of vision is approximately perpendicular to the plume and wind direction.
[40CFR§60.257(a)(2)(ii)]

(iii) The observer shall make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Water vapor is not considered a visible emission.
[40CFR§60.257(a)(2)(iii)]

(3) A visible emissions observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions specified in paragraphs (a)(3)(i) through (iii) of this section are met.
[40CFR§60.257(a)(3)]

(i) No more than three emissions points may be read concurrently.
[40CFR§60.257(a)(3)(i)]

(ii) All three emissions points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.

[40CFR§60.257(a)(3)(ii)]

- (iii) If an opacity reading for any one of the three emissions points is within 5 percent opacity from the applicable standard (excluding readings of zero opacity), then the observer must stop taking readings for the other two points and continue reading just that single point.

[40CFR§60.257(a)(3)(iii)]

- 4.3.11. **Test Methods and Procedures for Subpart Y.** The owner or operator must conduct all performance tests required by §60.8 to demonstrate compliance with the applicable emissions standards specified in §60.252 according to the requirements in §60.8 using the applicable test methods and procedures in paragraphs (b)(1) through (8) of this section.

[40CFR§60.257(b)]

4.4. Recordkeeping Requirements

- 4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:

- a. The date, place as defined in this permit and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of the analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

- 4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

- 4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

- a. The equipment involved.
- b. Steps taken to minimize emissions during the event.
- c. The duration of the event.
- d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

- e. The cause of the malfunction.
- f. Steps taken to correct the malfunction.
- g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

- 4.4.4. For the purpose of determining compliance with the maximum throughput limits set forth in Section 1.0 the permittee shall maintain on site certified daily, monthly and annual records of the raw coal & clean coal transfer

rates in accordance with the example data forms provided as Appendices A and B. Records shall be certified by a responsible official and maintained on site for a period of not less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.

- 4.4.5. For the purpose of determining compliance with the water truck requirement set forth in Section 4.1.8, the permittee shall maintain on site certified daily and monthly records of the water truck usage and amount of water and chemical dust suppressant applied to the haulroads in accordance with an example data form provided as Appendix C. Records shall be certified by a responsible official and maintained on site for a period of not less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.
- 4.4.6. The permittee shall maintain records of all monitoring data required by Section 4.2.1 documenting the date and time of each weekly visible emission check, the emission point or equipment / source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6-10 mph NE wind) during the visual emission check(s). An example form is supplied as Appendix D. Should a visible emission observation be required to be performed per the requirements specified in 40 CFR Part 60, Appendix A, Method 9, the data records of each observation shall be maintained per the requirements of 40 CFR Part 60, Appendix A, Method 9. For an emission unit out of service during the normal monthly evaluation, the record of observation may note "out of service" (O/S) or equivalent.

4.5. Reporting Requirements

- 4.5.1. With regard to any testing required by the Director, the permittee shall submit to the Director of Air Quality and the Associate Director - Office of Enforcement and Permit Review (3AP12) of the U.S. EPA a test protocol detailing the proposed test methods, the date, and the time the proposed testing is to take place, as well as identifying the sampling locations and other relevant information. The test protocol must be received by the Director and the Associate Director no less than thirty (30) days prior to the date the testing is to take place. Test results shall be submitted to the Director and the Associate Director no more than sixty (60) days after the date the testing takes place.
- 4.5.2. Any violation(s) of the allowable visible emission requirement for any emission source discovered during observation using 40 CFR Part 60, Appendix A, Method 9 must be reported in writing to the Director of the Division of Air Quality as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.
- 4.5.3. Any owner or operator subject to the provisions of this part shall furnish written notification as follows:
[40CFR§60.7(a)]

A notification of the date construction (or reconstruction as defined under §60.15) of an affected facility is commenced postmarked no later than 30 days after such date.
[40CFR§60.7(a)(1)]

A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
[40CFR§60.7(a)(3)]
- 4.5.4. **Reporting for Subpart Y - Opacity Exceedances.** For the purposes of reports required under section 60.7(c), any owner or operator subject to the provisions of Subpart Y also shall report semiannually periods of excess emissions as follow:

[40CFR§60.258(b)]

(3) All 6-minute average opacities that exceed the applicable standard.

[40CFR§60.258(b)(3)]

- 4.5.5. **Reporting for Subpart Y - Results of Initial Performance Tests.** The owner or operator of an affected facility shall submit the results of initial performance tests to the Administrator or delegated authority, consistent with the provisions of section 60.8. The owner or operator who elects to comply with the reduced performance testing provisions of sections 60.255(c) or (d) shall include in the performance test report identification of each affected facility that will be subject to the reduced testing. The owner or operator electing to comply with section 60.255(d) shall also include information which demonstrates that the control devices are identical.

[40CFR§60.258(c)]

- 4.5.6. **Reporting for Subpart Y - WebFIRE Data Base.** After July 11, 2011, within 60 days after the date of completing each performance evaluation conducted to demonstrate compliance with this subpart, the owner or operator of the affected facility must submit the test date to EPA by successfully entering the data electronically into EPA's WebFIRE data base available at <http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main>. For performance tests that cannot be entered into WebFIRE (i.e. Method 9 of appendix A-4 of this part opacity performance tests) the owner or operator of the affected facility must mail a summary copy to United States Environmental Protection Agency; Energy Strategies Group; 109 TW Alexander DR; mail code D243-01; RTP, NC 27711.

[40CFR§60.258(d)]

APPENDIX A - Example Data Form

Daily and Monthly Raw Coal Processing Rate Report ⁽¹⁾

Month _____ Year _____

Day of Month	Raw Coal							
	Railcar Unloading Facility RRCD		Rotary Breaker RB1		Raw Coal Truck Dumps RCTD1 & RCTD2		To Wet Wash Preparation Plant	
	Throughput (Tons/day)	Hours of Operation	Throughput (Tons/day)	Hours of Operation	Throughput (Tons/day)	Hours of Operation	Throughput (Tons/day)	Hours of Operation
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								
Monthly Total								
Twelve Month Rolling Total ⁽²⁾								

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) The Twelve Month Rolling Total shall mean the sum of the amount of coal received, processed or shipped at any given time during the previous twelve (12) consecutive calendar months. The maximum permitted throughputs and operation rates are as follows: Railcar Unloading Facility RRCD - 3.71 MM TPY; Rotary Breaker RB1 - 5.256 MM TPY; Raw Coal Truck Dumps RCTD1 & RCTD2 - 5.256 MM TPY; and raw coal to Wet Wash Preparation Plant - 3.71 MM TPY.

APPENDIX B - Example Data Form

Daily and Monthly Clean Coal Processing Rate Report ⁽¹⁾

Month _____ Year _____

Day of Month	Clean Coal					
	Thermal Dryer Circuit		Railroad Car Loadout at CB1		Clean Coal Stockpile CCOS1	
	Throughput (Tons/day)	Hours of Operation	Throughput (Tons/day)	Hours of Operation	Throughput (Tons/day)	Hours of Operation
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						
Monthly Total						
Twelve Month Rolling Total ⁽²⁾						

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) The Twelve Month Rolling Total shall mean the sum of the amount of coal received, processed or shipped at any given time during the previous twelve (12) consecutive calendar months. The maximum permitted throughputs and operation rates are as follows: Clean Coal to Thermal Dryer - 2.6 MM TPY; clean coal to Railroad Car Loadout CB1 - 3.71 MM TPY; and Clean Coal Stockpile CCOS1 - 3.71 MM TPY.

APPENDIX C - Example Data Form

Water Truck Usage ⁽¹⁾

Month _____ Year _____

Date	Was the Water Truck Used? (Y/N)	Quantity of Water Applied (gallons) ²	Quantity of Chemical Suppressants Applied (gallons) ²	Comments ³	Initials
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

- (1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.
- (2) The quantity of water and chemical dust suppressants used may be estimated based on the volume of the water truck's tank and the number of times the truck's tank was filled.
- (3) Use the comment section to explain why the water truck was not in use or used sparingly.

APPENDIX D - Example Data Form

Weekly Opacity Testing Records ⁽¹⁾

Date of Observation: _____

Data Entered by: _____

Reviewed by: _____

Date Reviewed: _____

Describe the General Weather Conditions: _____

Stack ID/Vent ID/ Emission Point ID	Stack/Vent/Emission Point Description	Time of Observation	Visible Emissions? Yes/No	Consecutive Weeks of Visual Emissions	Comments

- (1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature¹ _____
(please use blue ink) Responsible Official or Authorized Representative Date

Name and Title _____
(please print or type) Name Title

Telephone No. _____ Fax No. _____

-
- ¹ This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:
- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (I) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
 - (ii) the delegation of authority to such representative is approved in advance by the Director;
 - b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
 - c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or
 - d. The designated representative delegated with such authority and approved in advance by the Director.